

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshiaki Irie

Confirmation No.: 5133

Application No.: 10/705,336

Art Unit: 2621

Filed: November 10, 2003

Examiner: C. G. Findley

For: COMPOSITE AUDIO-VIDEO APPARATUS

APPELLANTS' REPLY BRIEF UNDER 37 CFR § 41.41

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Pursuant to 37 C.F.R. § 41.41, please consider the following Appellant's Reply Brief in the referenced Application currently before the Board of Patent Appeals and Interferences. The present Reply Brief is in response to the Examiner's Answer dated April 1, 2009.

I. STATUS OF CLAIMS

U.S. Application Serial No. 10/705,336 (“the ‘336 Application”) was filed on November 10, 2003. Claims 1-4 are pending. Claims 1 and 2 are independent. The remaining claims depend, directly or indirectly, from claim 2.

All the pending claims were finally rejected in an Office Action dated January 23, 2008 (“Final Rejection”). Applicant did not file an Amendment After Final Rejection. Thus, all of the amendments have been entered and considered by the Examiner.

Claims 1-4 are on appeal.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The present Appeal addresses the following grounds of rejection:

Whether claims 1-4 are patentable under 35 U.S.C. § 102(a) over U.S. Patent No. 6,400,280 (“Osakabe”).

III. SUPPLEMENTAL ARGUMENTS

Appellants submit the following supplemental remarks in response to the Examiner’s Answer.

A. Rejection(s) under 35 U.S.C. § 102

In this Appeal, Appellants argue that claims 1-4 are patentable under 35 U.S.C. 102(a) as over Osakabe. For purposes of this Appeal, claims 1-4 stand or fall together. Independent claim 1 is representative of the group including claims 1-4.

Specifically, the Examiner states that “since the commands and data of Osakabe are passed along the chain of devices, intermediate devices must perform a changeover

control operation, wherein the command data is passed through to the destination device, while reproduction data is passed through from another device to the digital TV for display.” See Examiner’s Answer, p. 6.

Applicant respectfully asserts that even assuming *arguendo* that there is some type of changeover operation performed when the data and commands are passed along the chain of devices, Osakabe is still completely silent with respect to “the first control section changes over the image output section so that an image reproduced by the second image reproduce section is outputted in the case where the first control section receives the direction signal even when the image output section is set to output an image reproduced by the first image reproduce section.” In fact, Osakabe does not disclose that any changeover of commands and/or data is performed such that the image ultimately reproduced is *from a different image reproduce section* than that pointed to by the image output section.

In fact, Osakabe is not concerned with changing over which image reproduce section outputs an image. Rather, Osakabe is only directed to a deciphered control command that is used to display a corresponding character, figure, icon or the like in accordance with the content thereof on the display 34, whereby the user can check the indicated control command (*see, e.g.*, col. 6, line 57 through col. 7, line 12, and Figs. 3 and 5 of Osakabe). The displayed data is not changed over from being produced by a first reproduce section to being produced by a second reproduce section.

Further, Osakabe discloses “a remote control signal is deciphered in the CPU 33, and then, the deciphered control command is supplied to the display 34 to display the corresponding image. See Osakabe, col. 6, ll. 59-67. In other words, Osakabe discloses that the images are changed based on a signal from CPU 33 rather than a signal from the

control circuit of the DVCR or the control circuit of the DVD, as required by the independent claims. Neither the control circuit of the DVCR nor the control circuit of the DVD in Osakabe act as the first and second control sections of the present invention. Thus, it is also clear that Osakabe fails to disclose that the "first control section includes a change over section" as required by the claims.

IV. CONCLUSION

In view of the above, the Examiner's contentions in the Examiner's Answer do not support the rejection of claims 1-4 under 35 U.S.C. § 102(a). In view of the arguments presented in this Reply Brief, Appellants respectfully request that the Board reverse the Examiner's rejections of claims 1-4 under 35 U.S.C. § 102(a).

Dated: June 1, 2009

Respectfully submitted,

By 

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